

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN FELDER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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CIVIL NO. 11-7504

CRIMINAL NO. 06-0079

ORDER

AND NOW, this 2nd day of January, 2013, upon consideration of Petitioner John Felder's Motion to Vacate, Set Aside, and Correct Sentence (Docket No. 193), the Government's Opposition (Docket No. 197), and Mr. Felder's Reply (Docket No. 198) it is hereby **ORDERED** that:

1. Petitioner John Felder's Motion to Vacate, Set Aside, and Correct Sentence is **DENIED** without an evidentiary hearing;
2. There is no probable cause to issue a certificate of appealability;¹
3. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability may issue only upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). Because that is not the case here, a certificate of appealability will not issue.